

<p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	<p>Policy Number</p> <p style="text-align: center;">14.4</p> <p>Date Filed</p> <p style="text-align: center;">February 13, 2004</p>	<p>Total Pages</p> <p style="text-align: center;">7</p> <p>Effective Date</p> <p style="text-align: center;">May 24, 2004</p>
<p>Authority/References</p> <p>KRS 196.035, 197.020; ACA Standards 4-4274, 4-4275, and 4-4276; 501 KAR 6:020; CPP 15.2, CPP 15.7; <i>Lewis v. Casey</i>, 116 S. Ct. 2174 (1996); <i>Knop v. Johnson</i>, 977 F2d 996 (6th Cir.) (1992)</p>	<p>Subject</p> <p style="text-align: center;">LEGAL SERVICES PROGRAM</p>	

I. DEFINITIONS

"Indigent" see CPP 15.7.

"Legal Aide" means a person who has received training by the Office of Public Advocacy and is certified as a legal aide to assist other inmates at the same institution with legal matters.

II. POLICY

A. It shall be the policy of Corrections to provide all inmates with the opportunity to contact the courts by a variety of methods including, but not limited to:

1. Contact with attorneys (telephone, mail, visit);
2. Contact with assigned legal assistants at the same institution;
3. Unrestricted and uncensored legal correspondence to and from attorneys and the courts.

B. Each Institution shall offer inmates facilities that afford confidential access. These facilities shall include:

1. Access to uncensored legal mail services to and from attorneys and the courts for the conduct of legal matters;
2. Access to a legal or electronic library , if available;
3. Access to a copy machine;
4. An area for confidential attorney visitation or confidential telephone call.

C. Each Institution shall provide inmates reasonable access to the courts to allow presentation of legal issues including the following:

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1. Challenging the legality of their conviction or confinement;
 2. Seeking redress concerning conditions of confinement;
- D. An institution or employee shall not impose a penalty on any inmate because of the inmate's decision to seek judicial relief so long as the lawsuit does not violate CPP 15.2.
- E. Upon request, indigent inmates may receive reasonable amounts of legal supplies, postage and copying services as necessary.
- F. Other inmates and indigent inmates who have received supplies under E.above, who demonstrate by court orders or court rules a definite deadline shall be allowed to have copies and postage upon signing a cash pay order (CPO) even when their cash accounts are inadequate to pay the expense.

III. PROCEDURES

A. Law Library

An adequate law library unless replaced by electronic research, shall be maintained at all correctional institutions.

1. A law library or electronic research shall be maintained at the following institutions:

Kentucky Correctional Institution for Women;
Kentucky State Penitentiary;
Kentucky State Reformatory;
Luther Luckett Correctional Complex;
Northpoint Training Center;
Blackburn Correctional Complex;
Western Kentucky Correctional Complex;
Roederer Correctional Complex;
Eastern Kentucky Correctional Complex; and
Green River Correctional Complex.
Little Sandy Correctional Complex (when opened)

At a minimum these institutions shall be equipped with the following documents and equipment:

- a. Constitutional case law
- b. Statutory case law material of Kentucky

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- c. Court rules
 - d. Federal statutory law
 - e. State law
 - f. State and federal constitutions
 - g. Procedural rules
 - h. Corrections Policies and Procedures (NO SECURITY SECTIONS)
 - i. Institutional Policies and Procedures (NO SECURITY SECTIONS)
 - j. Equipment for inmate legal aide use in preparing necessary legal documents. Equipment shall usually include the following, when available:
 - (1) Typewriters
 - (2) Typing paper and supplies
 - (3) A copy machine
2. At a minimum each minimum security institution shall have the following materials in their law library:
- a. Corrections Policies and Procedures (NO SECURITY SECTIONS)
 - b. Kentucky Digest, Kentucky Digest 2d
 - c. Criminal Practice in Kentucky
 - d. Harvard's "A Uniform System of Citation"
 - e. Kentucky Legal Form Book
 - f. Prisoners Self-Help Litigation Manual
 - g. Black's Law Dictionary
 - h. Kentucky Rules of Court

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- i. Kentucky Revised Statutes
- j. Institutional Policies and Procedures (NO SECURITY SECTIONS)
- k. Equipment for inmate legal aide use in preparing necessary legal documents. Equipment shall usually include the following, when available:
 - (1) Typewriters
 - (2) Typing paper and supplies
 - (3) A copy machine

3. Inmates in Minimum Security Institutions

- a. There are times that inmates in a minimum security facility may need access to a more comprehensive law library. In those cases an inmate may request a transfer to an institution with a more comprehensive law library or electronic research. Approval of such transfer shall be the responsibility of the Classification Branch Manager. If space limitations or other circumstances dictate, an alternate institution may be used.
- b. Upon completion of their legal research those inmates shall be returned to a minimum security institution where bed space is available.
- c. Inmate legal aides shall be guaranteed a return transfer to their former minimum security institution as soon as space becomes available.
- d. Inmates housed at Frankfort Career Development Center may use the law library in the Frankfort office of the Office for Public Advocacy when permitted by that agency.

B. Legal Aide Program

A legal aide program shall be operated to service each institution.

- 1. Applicants for an inmate legal aide position shall be required to take an examination to determine their qualifications for admission to a basic legal aide training seminar which is offered by the Department of Public Advocacy twice during the calendar year.

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2. Applicants for an inmate legal aide position shall be assigned to general population status and have at least thirty-six (36) months until their parole eligibility date or expiration of sentence, on the date the examination is given for admission to the basic legal aide training seminar. The latter requirement may be waived in those cases when an insufficient number of qualified candidates apply for the vacant legal aide position.
3. Those inmates who receive passing scores on the entrance examination may be allowed to participate in the next scheduled training seminars.
4. Examinations shall be given throughout the basic training seminar. The institutional legal aide positions shall be filled based upon the following, however, no one factor shall be determinative of filling a position:
 - a. scores received during the legal aide training;
 - b. inmate population;
 - c. interviews, if performed;
 - d. past job performance; and
 - e. communicative skills.
5. The Classifications Committee shall determine if any legal aide justifies removal from his position for one or more of the following reasons:
 - a. Failing to adequately represent the needs of a fellow inmate;
 - b. Abusing the legal aide position; and
 - c. Receiving a category IV finding of guilt or three Category I, II or III findings of guilt within a six (6) month period.

Legal aides who are removed from their position for such reasons shall not be returned to that position for at least six (6) months.
6. An inmate who has previously qualified as a legal aide but who has not attended the Continuing Legal Education Course may be placed in such a position when a vacancy occurs. However, such an inmate shall attend the next regularly scheduled Continuing Legal Aide Course.
7. Inmates, other than legal aides, capable of assisting other inmates located at the same institution in the preparation of legal papers or in the prosecution of a lawsuit may do so without fear of disciplinary action.

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8. Occasionally institutions may have to fill a legal aide position unexpectedly. In this instance former attorneys or former legal aides may apply for the vacant position, provided that they take the next available Continuing Legal Education Course offered by the Department of Public Advocacy.
9. Those inmates who have completed the legal aide training seminar may be required to serve as a legal aide in situations where there are not enough qualified applicants to fill existing vacancies.
10. Any inmate who seeks to be trained as a legal aide after July 15, 1991, shall have a General Equivalency Diploma (GED) or high school diploma. Residents qualified before July 15, 1991, do not have to meet this requirement.

C. Office for Public Advocacy

Services of the Department of Public Advocacy shall usually be available to inmates through the branch offices located at the institutions or through the central office located in Frankfort.

D. Funding

1. Each institution shall designate monies from their budget to operate and maintain the law library or electronic research, as well as provide supplies for the legal aide program.

E. Legal Aide Duties

1. An inmate legal aide may only assist inmates confined at the same institution.
2. No inmate, regardless of his legal aide status, shall assist other inmates who are housed in other institutions.
3. Legal aides shall be required to store all materials, pleadings, and the like in the legal aide office except their personal files and except those inmates being helped who wish to keep their own files.
4. A log shall be maintained to show what cases to which each legal aide is assigned.
5. When transferred, legal aides may not take the files of inmates they have been assisting and shall notify those inmates of their transfer.

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6. If an inmate who is receiving assistance is transferred, it shall be his responsibility to obtain his file from the legal aide or other inmate. If it is an emergency transfer, he shall contact the institution to forward his legal material.
7. Any inmate assisting other inmates shall register their name in the legal aide office along with the name of the inmate being assisted and a brief description of the legal matter, such as the style and number of the lawsuit.